

to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 28th day of May, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1392; Filed, May 14, 1937; 1:01 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BARNSDALL-BRACHT #6 FARM, FILED ON MAY 7, 1937, BY ROY M. SMITH, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

In that the legal description required to be included as a part of Exhibit B is incomplete;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 12th day of June, 1937; that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 28th day of May, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1393; Filed, May 14, 1937; 1:01 p. m.]

Tuesday, May 18, 1937

No. 96

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6258 OF AUGUST 22, 1933, WITHDRAWING PUBLIC LANDS

*New Mexico*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6258 of August 22, 1933, withdrawing public lands in T. 16 S., R. 8 W., New Mexico Principal Meridian, New Mexico, pending resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said township.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

May 13, 1937.

[No. 7615]

[F. R. Doc. 37-1395; Filed, May 14, 1937; 1:45 p. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF AGRICULTURE

*Wyoming*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing certain lands for classification and other purposes, is hereby revoked in so far as it affects any public lands within the following-described area in Wyoming:

SIXTH PRINCIPAL MERIDIAN

*Site I*

T. 37 N., R. 67 W.,  
secs. 4 to 9, 16 to 21, and 28 to 33, inclusive;  
T. 38 N., R. 67 W.,  
secs. 4 to 9, 16 to 21, and 28 to 33, inclusive;  
T. 39 N., R. 67 W.,  
secs. 4 to 9, 16 to 21, and 28 to 33, inclusive;  
T. 40 N., R. 67 W.,  
secs. 4 to 9, 16 to 21, and 28 to 33, inclusive;  
T. 41 N., R. 67 W.,  
secs. 1 to 24, inclusive;  
sec. 25, N $\frac{1}{2}$ ;  
sec. 26, N $\frac{1}{2}$ ;  
sec. 27, N $\frac{1}{2}$ ;  
secs. 28 to 33, inclusive;  
Tps. 42 to 44 N., R. 67 W.;  
Tps. 37 to 44 N., R. 68 W.;  
Tps. 38 to 44 N., R. 69 W.;  
Tps. 38 to 43 N., R. 70 W.;  
T. 44 N., R. 70 W.,  
secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, inclusive;  
Tps. 38 to 43 N., Rs. 71 to 73 W.

*Site II*

T. 55 N., R. 68 W.,  
sec. 19, W $\frac{1}{2}$ ;  
T. 53 N., R. 69 W.,  
sec. 5, lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
sec. 6, lots 1, 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Tps. 54 and 55 N., Rs. 69 and 70 W.;  
T. 54 N., R. 71 W.,  
sec. 1, N $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
sec. 23, SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
sec. 24, S $\frac{1}{2}$ N $\frac{1}{2}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
secs. 25 and 26.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to all valid existing rights, all vacant, unappropriated, and unreserved public lands within the above-described area are hereby temporarily withdrawn from

settlement, location, sale, or entry, and reserved and set apart for use and development by the Department of Agriculture for soil erosion control and other land utilization activities in connection with the Thunder Basin Project, LA-WY 1: *Provided*, that nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws.

SECTION 3. This order shall be applicable to all lands within the area described in section 1 hereof upon the cancellation, termination, or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of revocation.

SECTION 4. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
May 13, 1937.

[No. 7616]

[F. R. Doc. 37-1396; Filed, May 14, 1937; 1:46 p. m.]

#### EXECUTIVE ORDER

#### INCREASING THE AMOUNTS AVAILABLE FOR PUBLIC PROJECTS UNDER CLAUSES (F), (G), AND (H) OF THE EMERGENCY RELIEF APPROPRIATION ACT OF 1936

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1936 (49 Stat. 1608), and in order to effectuate the purposes of the appropriation made by that Act, it is ordered (1) that the amount specified in clause (f) of the second paragraph of the said Act, to be used for assistance for educational, professional and clerical persons, be, and it is hereby, increased by \$7,101,000, (2) that the amount specified in clause (g) of said paragraph, to be used for women's projects, be, and it is hereby, increased by \$7,101,000, and (3) that the amount specified in clause (h) of said paragraph, to be used for miscellaneous work projects, be, and it is hereby, increased by \$16,605,000, these amounts to be transferred from the amount specified in clause (i) of the said paragraph—so that the amounts available under the Emergency Relief Appropriation Act of 1936, as supplemented by the First Deficiency Act, fiscal year 1937, approved February 9, 1937, and as modified by Executive Orders No. 7469<sup>1</sup> of October 13, 1936, No. 7512<sup>2</sup> of December 16, 1936, and No. 7553<sup>3</sup> of February 17, 1937, shall be, for the several classes of public projects enumerated in the said paragraph, as follows:

(a) Highways, roads and streets.....	\$678,165,000
(b) Public Buildings.....	244,410,000
(c) Parks and other recreational facilities, including buildings therein.....	257,235,000
(d) Public utilities, including sewer systems, water supply and purification, airports, and other transportation facilities.....	254,970,000
(e) Flood control and other conservation.....	210,465,000
(f) Assistance for educational, professional, and clerical persons.....	160,236,000
(g) Women's projects.....	160,236,000
(h) Miscellaneous work projects.....	133,530,000
(i) National Youth Administration.....	86,118,000
(j) Rural rehabilitation, loans, and relief to farmers and livestock growers.....	153,135,000

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
May 13, 1937.

[No. 7617]

[F. R. Doc. 37-1397; Filed, May 14, 1937; 1:45 p. m.]

<sup>1</sup> 1 F. R. 1581.

<sup>2</sup> 1 F. R. 2159.

<sup>3</sup> 2 F. R. 338.

#### TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48966]

#### CUSTOMS REGULATIONS AMENDED—TOBACCO INVOICES

##### To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in section 161, Revised Statutes (U. S. C., title 5, sec. 22) and section 624 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1624), article 192 (c) of the Customs Regulations of 1931 is amended to read as follows:

(c) No tobacco invoices, Internal-revenue Form 774, are required for shipments of tobacco to foreign countries made from customs bonded warehouses of class 6. Such form, however, is required for each shipment or delivery of tobacco to warehouses of class 6; for each shipment withdrawn for consumption from customs bonded warehouses of classes 1, 2, 3, and 8; and for each shipment entered for direct consumption. The invoice should be forwarded to the Commissioner of Internal Revenue, Tobacco Division, Washington, D. C.

[SEAL]

JAMES H. MOYLE,  
Commissioner of Customs.

Approved: May 12, 1937.

STEPHEN B. GIBBONS,  
Acting Secretary of the Treasury.

[F. R. Doc. 37-1399; Filed, May 15, 1937; 9:39 a. m.]

#### POST OFFICE DEPARTMENT.

##### ADJUSTED SERVICE BONDS—ONE YEAR'S INTEREST PAYABLE BEGINNING JUNE 15, 1937

MAY 8, 1937.

If the owner of an Adjusted Service Bond desires to have his request for payment thereof certified, and surrenders the bond, but wants payment withheld until June 15, when one year's interest will have accrued, the postmaster shall accept, certify, and cancel it following the usual procedure. The bond shall be included with the day's shipment of Adjusted Service Bonds to the nearest Federal Reserve bank, as provided in the notices published in the Postal Bulletins of January 6 and April 6, 1937, but all bonds on which payment is to be delayed shall be listed on, and attached to, a separate invoice (Form ASB-2), which shall be conspicuously marked "For payment June 15, 1937." If the day's shipment of bonds includes some on which immediate payment is desired and some on which payment is to be withheld until June 15, two invoices must be prepared, each of which shall be attached to the bonds described thereon. Both sets of bonds, however, shall be registered under one cover.

[SEAL]

ROY M. NORTH,  
Acting Third Assistant Postmaster General.

[F. R. Doc. 37-1416; Filed, May 17, 1937; 10:55 a. m.]

#### POSTAGE STAMPS NOT TO BE COVERED WITH MUCILAGE OR PASTE

MAY 6, 1937.

It has come to attention that when affixing stamps (especially precanceled stamps) to mail matter, particularly fourth-class or parcel-post mail, it is the practice of some persons and concerns to cover the face of the stamps with mucilage or other adhesive material used in affixing the stamps and labels to the matter.

This is not permissible, as the stamps cannot be properly defaced and loss of revenue may result through the possible reuse of the stamps. Postmasters should, therefore, advise patrons who follow this objectionable practice that it must be discontinued.

[SEAL]

ROY M. NORTH,  
Acting Third Assistant Postmaster General.

[F. R. Doc. 37-1414; Filed, May 17, 1937; 10:55 a. m.]

## DEPARTMENT OF THE INTERIOR.

## General Land Office.

[Circular No. 1401 Revised]

REGULATIONS GOVERNING THE LEASING OF PUBLIC LANDS, EXCLUSIVE OF ALASKA, FOR THE GRAZING OF LIVESTOCK<sup>1</sup>

APRIL 30, 1937.

*Registers, United States Land Offices, Director, Division of Investigations.*

SIRS: Section 15 of the act of June 28, 1934 (48 Stat. 1269), as amended by section 5 of the act of June 26, 1936 (49 Stat. 1976), provides that:

The Secretary of the Interior is further authorized, in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are so situated as not to justify their inclusion in any grazing district to be established pursuant to this Act, to lease any such lands for grazing purposes, upon such terms and conditions as the Secretary may prescribe: *Provided*, That preference shall be given to owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit proper use of such contiguous lands, except, that when such isolated or disconnected tracts embrace seven hundred and sixty acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of ninety days after such tract is offered for lease, upon the terms and conditions prescribed by the Secretary.

In general, the act, as amended, provides for the issuance of grazing leases to three classes of applicants, as follows:

I. Leases where no preference right is involved.

II. Preference right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

III. Where isolated or disconnected tracts embrace 760 acres or less, the owners, homesteaders, lessees, or other lawful occupants of lands contiguous thereto or cornering thereon shall have a preference right to lease the whole of such tract, during a period of 90 days after such tract is offered for lease upon the terms and conditions prescribed by the Secretary of the Interior.

The Registers of the district land offices will continue to adjudicate all applications for grazing leases received in their offices prior to the date of approval of these regulations in accordance with the instructions contained in Circular No. 1412.

The following rules and regulations are prescribed for the administration of section 15 of the act of June 28, 1934, as amended by the act of June 26, 1936:

## APPLICATION FOR LEASE

(1) An application for lease should be filed on form 4-721, approved April 30, 1937, in the United States district land office for the district in which the lands applied for are situated, except that in the States in which there are no district land offices, the application should be forwarded to this office.

(2) The application must be filed in triplicate, except where it embraces lands within the jurisdiction of more than one district land office, in which event it must be furnished in quadruplicate and may be filed in either office. The original application, only, need be sworn to.

(3) Any person who is a citizen of the United States or who has declared his intention to become a citizen, or any group or association composed of such persons, or any corporation organized under the laws of the United States, or of any State or Territory thereof authorized to conduct business in the State in which the lands involved are situated, may file such an application.

(4) Owners, homesteaders, lessees, or other lawful occupants of lands contiguous to those applied for shall have a preference right to a lease for so much of said lands as may be necessary to permit proper use of such contiguous

lands, except that owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract applied for embracing 760 acres or less, shall have a preference right during a period of 90 days after such tract is offered for lease, to lease the whole of such tract upon the terms and conditions prescribed by the Secretary of the Interior.

(5) The application to lease should set forth as follows:

(a) Applicant's name and post office address.

(b) A statement as to whether the applicant is a native-born or naturalized citizen of the United States, or has declared his intention to become a citizen. If naturalized, or a declarant, evidence thereof must be furnished.

(c) If the applicant is a corporation, a certified copy of the articles of incorporation must accompany the application, and if an association, a copy of the constitution and by-laws, and evidence of the citizenship of each member must be submitted.

(d) A description of the lands applied for must be furnished in terms of the legal subdivisions of the public land surveys, together with a statement as to whether the lands contain any springs or water holes, and whether the lands are occupied or used for any purpose and by whom.

(e) A complete description in terms of legal subdivisions of the public land surveys of the lands upon which a preference right to a lease is based, the nature of the claims thereto, and the dates initiated or acquired.

(f) A statement as to the number and kind of stock to be grazed upon the lands, seasons of contemplated use, and the manner in which the applicant plans to graze the lands applied for in connection with his general operations. Such statement shall not prejudice the application, and the applicant may amend it to conform to any objection or requirement made by the Secretary of the Interior as to the kind or number of stock, seasons of use or grazing plans.

(g) A statement as to what previous use, if any, the applicant has made of the lands applied for, and whether the lands have been used by anyone else. If so, by whom, for what purpose, and to what extent.

(6) The filing of an application under this section in conformity with these regulations will segregate the lands applied for from other disposition under the public land laws, subject to any prior valid adverse claim, except that at all times the mineral contents in the land shall be subject to prospecting, locating, developing, mining, entering, leasing, or patenting under the provisions of the applicable laws.

(7) The filing of an application will not segregate the land applied for from application by other applicants for grazing lease. Conflicting or junior grazing lease applications will be received, noted, and disposed of in the same manner as senior or prior grazing lease applications.

(8) As the issuance of a lease is within the discretion of the Secretary of the Interior, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the exclusive use of the lands applied for, pending the execution of a lease by the Secretary of the Interior.

(9) Every applicant for a lease must pay to the Register of the district land office, at the time of filing an application, a fee of five dollars if his lease application is for 1,000 acres or less, and an additional five dollars for each additional 1,000 acres or fractional part thereof, which fee will be carried as unearned pending action on the application. If the application is rejected the fee will be returned. If a lease, based on the application, is offered the applicant, and he refuses to accept the same, the fee will be retained and earned, as a service charge.

(10) If a protestant against the issuance of a lease desires to lease all or part of the land embraced in the application against which a protest is filed, the protest should be accompanied by an application to lease.

(11) Any person receiving a temporary one-year lease based on an application filed prior to the date of approval of these regulations, who desires to continue to lease the lands

<sup>1</sup> Under the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976).

involved, will not be required to file a new application for lease on form 4-721 but will be required to file a petition in triplicate for the renewal of his lease on a form to be furnished. No filing fee will be required in connection with petitions for such renewals.

(12) Action on petitions for renewals will be governed by the instructions contained in the following section II hereof except that new serial numbers will not be assigned to the same.

## II

### ACTION ON APPLICATIONS AND PETITIONS FOR RENEWALS

(13) Upon receipt of an application, the Register of the district land office will assign the current serial number thereto, note the same on his records, and if all is found to be regular, forward the original to this office, and the duplicate to the Special Agent in Charge of the Division of Investigations for the division in which the lands are situated. The original and duplicate applications should be accompanied with a status report by the Register of all the lands applied for.

(14) The triplicate copy will be retained by the Register for his files. In case the application embraces land in two land districts, the quadruplicate copy will be forwarded to the appropriate land office for notation and for a serial number.

(15) The register of the land office receiving the quadruplicate copy will furnish a report to this office and the Special Agent in Charge as to the status of the land in his district embraced in the application for lease. The balance of the administrative work up to the point of issuing the lease will be handled through the office in which the complete application was filed.

(16) All instructions heretofore issued regarding publication of notices offering lands for lease are hereby rescinded. A general order by this Department relative to the offering of all public lands, including those now embraced in temporary one-year leases, will be issued in due course.

(17) Upon receipt of the duplicate copy of an application or petition for renewal the Special Agent in Charge will have an investigation made and submit a report to this office as to the applicant's qualifications, the pertinent facts as to any and all conflicting applications especially as to those where the questions of preference rights and extent thereof are involved.

(18) The report of the Special Agent in Charge should also include a statement as to the carrying capacity of the lands applied for, the value of the lands for grazing purposes, due regard being given to the number and kind of livestock to be grazed. It should also recommend the rental value to be charged, the term of the lease to be granted, and any other recommendations which may be helpful in the adjudication of the application.

## III

### ISSUANCE OF OR RENEWAL OF LEASES

(19) If, after receipt of an application or petition for renewal and upon consideration of the facts presented, it is decided by this office that the applicant is entitled to a lease for all or any of the lands applied for, a proposed lease will be prepared, in quadruplicate, and copies will be sent to the district land office for execution by the applicant. At the same time, protests and conflicting applications will be disposed of, subject to the right of appeal to the Secretary of the Interior.

(20) If the proposed lease is properly executed and returned to this office, it will be transmitted, together with any appeals filed by the protestants or conflicting applicants, with appropriate recommendations, to the Secretary of the Interior for consideration. The same procedure will be followed where it is determined that more than one applicant is entitled to a lease and a division of the lands is necessary, except that such conflicting applicants will be afforded an opportunity to agree to the division of such lands. If an acceptable adjustment cannot be made by the parties in interest, the award of a lease, or leases, will be determined by

the Commissioner of the General Land Office, on the basis of all the facts presented, subject to the approval of the lease, or leases, by the Secretary of the Interior.

## IV

### LEASED LANDS SUBJECT TO CLASSIFICATION

(21) Lands embraced in a grazing lease shall be subject to classification and disposal under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), provided that before the allowance of any entry, selection or location under said section 7 evidence must be furnished that the applicant has agreed to compensate the leases for any grazing improvements placed on the lands entered, selected or located, under the authority of the lease and for any injury caused to the lessee's grazing operations by reason of the loss of the leased lands from his lease-hold. If the interested parties are unable to reach an agreement as to the amount of such compensation the amount shall be fixed by the Commissioner of the General Land Office subject to the right of appeal to the Secretary of the Interior, whose decision shall be final. All such agreements, to be effective, must be approved by the Commissioner of the General Land Office. The failure of the applicant to pay the lessee in accordance with the agreement shall be just cause for cancellation of the entry, selection of location. All subsequent annual rental charges will be proportionately reduced for the loss of the lands from the lease-hold.

## V

### RENTAL

(22) Each lessee shall pay to the proper district land office, such annual rental as may be determined to be a fair compensation to be charged for the grazing of livestock on the leased land.

## VI

### DURATION OF LEASES

(23) When the necessary basic information has been secured by the Division of Investigations leases may be issued in the discretion of the Secretary of the Interior for periods of not more than ten years. However, when the facts and circumstances are such as to warrant limiting the leases to five years or less, the leases will be so limited. In the absence of necessary basic data the leases will be limited to one year. When a lease expires it may be renewed, in the discretion of the Secretary of the Interior, upon such terms and conditions as he may prescribe.

## VII

### USE OF LANDS

(24) After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. Upon cancellation of a lease for any reason or upon termination of a lease except when a renewal is requested, the Secretary of the Interior may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. When an agreement cannot be reached between the interested parties as to the amount to be paid, the decision of the Secretary of the Interior shall be final and conclusive. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancellation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

(a) The lessee will be required to comply with the provisions of the laws of the State in which the leased lands

are located with respect to the cost and maintenance of partition fences.

## VIII.

## CAUSES FOR CANCELLATION

(25) A lease may be canceled by the Secretary of the Interior:

(a) If the lessee persistently overgrazes the lands or uses them in any manner which causes soil erosion, or for any purposes detrimental to the lands or the livestock industry.

(b) If the lessee uses the leased premises, or any part thereof, for any purpose foreign to grazing or in violation of any terms of the lease.

(c) If the lessee shall fail to pay the annual rental, or any part thereof.

(d) If the lessee shall fail to comply with any part of these regulations or the terms of the lease.

(e) If a preference right lessee fails to retain ownership or control of the lands tendered as a basis for such preference right.

(f) If the lessee assigns or sub-leases all or any part of the leased area without obtaining the approval of the Secretary of the Interior.

Each lessee must accept as final any decision rendered by the Secretary of the Interior with reference to the violations of the terms of the lease, and, if required by the decision, must surrender the leased premises to the United States. No decision will, however, be rendered until the lessee has been formally advised of the cause for cancellation and afforded a timely opportunity to make a showing as to why the lease should not be canceled.

## IX

## INSPECTION

(26) Representatives of the Secretary of the Interior shall at any time have the right to enter the leased premises for the purpose of inspection.

## X

## ASSIGNMENT

(27) Proposed assignments of a lease, in whole or in part, must be submitted to the Secretary of the Interior, on a form to be provided, for approval; must be accompanied by the same showing by the assignee as is required of applicants for a lease; and must be supported by a showing that the assignee agrees to be bound by the provisions of the lease. No assignment will be recognized unless and until approved by the Secretary of the Interior.

(28) These regulations shall be considered to be a part of every grazing lease issued pursuant to the provisions of this Act.

(29) These regulations supersede all instructions previously issued under said section 15 of the act approved June 28, 1934, as amended June 26, 1936.

(30) Forms of application and lease are attached and made a part hereof.

Very respectfully,

FRED W. JOHNSON, *Commissioner.*

I concur:

B. B. SMITH,

*Director, Division of Investigations.*

Approved, April 30, 1937.

T. A. WALTERS,

*First Assistant Secretary.*

(To be filed in triplicate if the lands applied for are all in one land district; in quadruplicate if in more than one land district)

## APPLICATION FOR GRAZING LEASE

United States Land Office \_\_\_\_\_ Serial No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

Date \_\_\_\_\_ 19\_\_\_\_

(1) I, \_\_\_\_\_ of \_\_\_\_\_  
(Name of applicant) (Post Office address)

hereby apply to lease under section 15 of the act of June 28, 1934

(48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), the \_\_\_\_\_

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Meridian \_\_\_\_\_  
containing \_\_\_\_\_ acres, within the \_\_\_\_\_  
land district.

(If the lands applied for are within two land districts, the application must be filed in quadruplicate. A description of the lands should be given by legal subdivision if surveyed, or, if not surveyed, by metes and bounds or such other description as will fully identify the land.)

(2) Describe by legal subdivisions the lands upon which a preference right to a lease is based, the nature of the claims thereto, and the dates initiated or acquired, and when the right will expire, if it is held for a period of years.

Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, Meridian \_\_\_\_\_

(a) How many acres of your privately-owned lands are under cultivation? \_\_\_\_\_ acres.

(b) How many acres are used for grazing purposes? \_\_\_\_\_ acres.

(3) State briefly your experience in the livestock industry and give two references.

(4) State what interests, if any, you have in any other lease or pending application for lease under section 15 of the act approved June 28, 1934, as amended by the act of June 26, 1936.

(5) Are you a citizen of the United States? \_\_\_\_\_ By birth?

By naturalization? \_\_\_\_\_

(If by naturalization, evidence of such naturalization must be furnished.)

If not a citizen, have you filed the necessary declaration of intention to become such? \_\_\_\_\_ When? \_\_\_\_\_ Where? \_\_\_\_\_

(If the applicant is a corporation, a certified copy of the articles of incorporation, together with a copy, signed by proper official, of the minutes of the meeting authorizing the filing of the application and, if an association, a copy of the constitution and by-laws, and evidence of the citizenship of each member must be submitted.)

(6) Do the lands applied for contain any springs or water holes? \_\_\_\_\_ If so, describe them, giving the location by section, township and range \_\_\_\_\_

(a) Are the lands applied for occupied or used for any purpose? \_\_\_\_\_ By whom? \_\_\_\_\_ For what purpose? \_\_\_\_\_

(7) Do you own or control any source of water supply needed or used for livestock purposes? \_\_\_\_\_ Describe it \_\_\_\_\_

Where located \_\_\_\_\_ (Subdivision, section, township, and range.)

(8) State the number and kind of stock to be grazed on the leased lands \_\_\_\_\_, seasons of contemplated use \_\_\_\_\_, the manner in which you plan to graze the lands applied for in connection with your general operations \_\_\_\_\_

(9) Have you previously used the lands covered by this application? \_\_\_\_\_ If so, for how many years and for what usual period each year? \_\_\_\_\_

(a) How many stock have you grazed thereon during the average year? \_\_\_\_\_

by any other persons? \_\_\_\_\_ If so, by whom? \_\_\_\_\_ To what extent? \_\_\_\_\_

(11) How many head of livestock do you own? \_\_\_\_\_ Cattle \_\_\_\_\_; Horses \_\_\_\_\_; Sheep \_\_\_\_\_; Goats \_\_\_\_\_

(Signature of applicant)

Subscribed and sworn to before me This the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(Official designation of Officer.)

(To be executed by applicant in quadruplicate.)

Form 4-722, Approved April 30, 1937

## FORM OF LEASE

## LEASE OF LANDS FOR GRAZING LIVESTOCK

[Section 15 of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976)]

This indenture of lease, entered into as of \_\_\_\_\_ by and between the United States of America, party of the first



part, hereinafter called the lessor, acting in this behalf by the \_\_\_\_\_ and \_\_\_\_\_ (Name of applicant) \_\_\_\_\_ party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the act of Congress approved June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), entitled "An Act to stop injury to the public grazing lands by preventing over-grazing and soil deterioration, to provide for their orderly use, improvement and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," hereinafter referred to as the act, which is made a part hereof.

WITNESSETH:

That the lessor, in consideration of the rents to be paid and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee an exclusive right and privilege of using for grazing purposes the following-described tract of land:

containing approximately \_\_\_\_\_ acres, together with the right to construct and maintain thereon all buildings or other improvements necessary to the full enjoyment thereof, for a period of \_\_\_\_\_ years, and if at the end of said period the Secretary of the Interior shall determine that a new lease should be granted, the lessee herein will be accorded a preference right thereto upon such terms and for such duration as may be fixed by the lessor.

In consideration of the foregoing, the lessee hereby agrees:

(a) To pay the lessor as annual rental the sum of \$ \_\_\_\_\_ for the first year of the lease and a like sum per year for the second and third years of the lease. The rental may be adjusted at the end of the third year of the lease and at three year intervals thereafter. If at the date of any adjustment of the rental, the lease will expire within less than three years, such adjustment shall be effective for the unexpired term of the lease. Annual rental shall reasonably conform to but in no case be in excess of the rental charged by the State or individuals for grazing privileges on lands of similar character in the immediate vicinity of the lease-hold. When the annual rental amounts to \$10.00 or more, the lessee may elect to make payment in two equal installments. One-half of the first year's rental to be paid prior to the execution of the lease and the remaining one-half to be paid within six months after the date of execution. For the second and each succeeding year of the lease one-half of the rental to be paid on the anniversary of the lease and the unpaid balance to be paid within six months from said anniversary. When the annual rental is less than \$10.00 it must be paid in full prior to the execution of the lease and annually thereafter on the anniversary of the lease.

(b) To observe the laws and regulations for the protection of game animals, game birds, and nongame birds, and not unnecessarily disturb such animals or birds.

(c) That neither he nor his employees will set fires that will result in damage to the range or to wild life, and to extinguish all camp fires started by him or any of his employees before leaving the vicinity thereof.

(d) To comply with the provisions of the laws of the State in which the leased lands are situated with respect to the cost and maintenance of partition fences.

The lessor expressly reserves:

(a) The right to permit prospecting, locating, developing, mining, entering, leasing or patenting the mineral resources, and to dispose of such resources under any laws applicable thereto; the right to permit the use and disposition of timber on the lands embraced in this lease, under existing laws and regulations; and nothing herein contained shall restrict the acquisition, granting, or use of permits or rights of way under existing law.

(b) The right to close portions of the leased area to grazing whenever, because of drought, epidemic of disease, incorrect handling of the stock, overgrazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition. However, such temporary closing of any area shall not operate to exclude such area from the boundaries of a lease.

(c) The right to reduce the leased area if it is excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of camping places, sources of water supply to communities, stock driveways, roads and trails, townsites, mining claims, and for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed. However, a proportionate reduction will be made in the annual rental charges.

(d) The right to classify and permit entry, selection or location under the provisions of section 7 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1975), of any part or all of the leased lands, provided that before the allowance of any application therefor the applicant shall agree, subject to the approval of the Commissioner of the General Land Office, to compensate the lessee in accordance with paragraph (21) of these regulations.

It is further understood and agreed:

(a) That the lessee expressly agrees that authorized representatives of the Department of the Interior at any time shall have the right to enter the leased premises for the purpose of inspection, and that Federal agents, including game wardens, shall at all times have the right to enter the leased area on official business.

(b) That the lessee shall not sell or remove for use elsewhere any timber growing on the leased land but may take such timber thereon as may be necessary for the erection and maintenance of improvements required in the operation of this lease.

(c) That this lease is granted subject to valid existing rights and to all rules and regulations which the Secretary of the Interior has prescribed.

(d) That the lessee may construct, or maintain and utilize any fence, building, corral, reservoir, well, or other improvements needed for the exercise of the grazing privileges of this lease, but any such fence shall be so constructed as to permit ingress and egress for miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(e) That the lessee shall take all reasonable precaution to prevent and suppress forest, brush, and grass fires.

(f) The lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. Upon cancellation of this lease for any reason or upon termination thereof except when a renewal is requested, the Secretary of the Interior may, in his discretion and upon a written petition filed by the lessee within 30 days from date of the cancellation, require a subsequent lessee, prior to the execution of a new lease, to reimburse the former lessee a reasonable amount for any grazing improvements of a permanent nature that may have been placed upon the leased lands during the period of the lease. When an agreement cannot be reached between the interested parties as to the amount to be paid, the decision of the Secretary of the Interior shall be final and conclusive. As to any improvements not disposed of in the manner set forth above, the lessee will be allowed 3 months from the date of cancellation of the lease within which to remove such improvements, but, if not removed or other disposition made within the said period, such improvements shall become the property of the United States.

(g) That the lessee agrees to comply with all Federal and local laws regarding sanitation and such other sanitary measures as may be necessary.

(h) That the lessee will not enclose roads or trails commonly used for public travel so as to interfere with the traveling of persons who do not molest grazing animals.

(i) If the lessee shall fail to pay the rental as herein specified, or shall fail to comply with the provisions of the act, or make default in the performance or observance of any of the terms, covenants, and stipulations hereof or of the general regulations promulgated and in force at the date hereof, and such default shall continue 60 days after service of written notice thereof by the lessor, then the lessor may, in his discretion, terminate and cancel this lease.

(j) That the lessee shall not assign this lease or any interest therein, nor sublet any portion of the lease premises without the written consent of the Secretary of the Interior.

It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors and assigns of the respective parties hereto.

In witness whereof:

THE UNITED STATES OF AMERICA,  
By \_\_\_\_\_  
First Assistant Secretary of the Interior, Lessor.  
\_\_\_\_\_  
Lessee.

Witness to signature of Lessee:

[F. R. Doc. 37-1400; Filed, May 15, 1937; 9:41 a. m.]

#### STOCK DRIVEWAY WITHDRAWALS NOS. 9 AND 47 REDUCED

NEW MEXICO

MAY 6, 1937.

Departmental orders of February 28 and December 9, 1918, as modified, which withdrew certain lands in New Mexico as Stock Driveways Nos. 9 and 47, New Mexico Nos. 3 and 5, respectively, under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), are hereby revoked in so far as they affect the following described lands, which are within New Mexico Grazing District No. 4 established April 8, 1935:

#### NEW MEXICO PRINCIPAL MERIDIAN

- T. 7 S., R. 1 E., those parts of secs. 19, 30 and 31 not in grants, lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$  sec. 20, S $\frac{1}{2}$  of secs. 21 to 24, inclusive;  
T. 8 S., R. 1 E., W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 5, those parts of secs. 6, 7, 18, W $\frac{1}{2}$  sec. 17 and N $\frac{1}{2}$  sec. 20 not in grant, W $\frac{1}{2}$  sec. 8, SE $\frac{1}{4}$  sec. 17 and N $\frac{1}{2}$  of secs. 21 to 24, inclusive;  
T. 10 S., R. 1 E., that part of S $\frac{1}{2}$ S $\frac{1}{2}$  sec. 10 and N $\frac{1}{2}$  sec. 15 not in grant, S $\frac{1}{2}$ S $\frac{1}{2}$  sec. 11, N $\frac{1}{2}$  sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 14;

T. 5 S., R. 2 E., N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and SE $\frac{1}{4}$  sec. 3, NE $\frac{1}{4}$  sec. 10, N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$  sec. 11, N $\frac{1}{2}$  sec. 12, sec. 23, S $\frac{1}{2}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$  sec. 25 and NE $\frac{1}{4}$  sec. 26;  
T. 7 S., R. 2 E., S $\frac{1}{2}$  of secs. 19 to 24, inclusive;  
T. 8 S., R. 2 E., W $\frac{1}{2}$  sec. 19, S $\frac{1}{2}$  sec. 25, SE $\frac{1}{4}$  sec. 26, SW $\frac{1}{4}$  sec. 28, sec. 29, N $\frac{1}{2}$  sec. 30, NW $\frac{1}{4}$  and S $\frac{1}{2}$  sec. 33, S $\frac{1}{2}$  sec. 34, NE $\frac{1}{4}$  and S $\frac{1}{2}$  sec. 35;  
T. 10 S., R. 2 E., E $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 7, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 8, S $\frac{1}{2}$ N $\frac{1}{2}$  and N $\frac{1}{2}$ S $\frac{1}{2}$  sec. 9, N $\frac{1}{2}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 10, sec. 11, N $\frac{1}{2}$  sec. 12, W $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 17 and N $\frac{1}{2}$  sec. 18;  
T. 5 S., R. 3 E., N $\frac{1}{2}$  of secs. 7, 8 and 9, sec. 10, S $\frac{1}{2}$  of secs. 11 and 12, SW $\frac{1}{4}$  sec. 30 and W $\frac{1}{2}$  sec. 31;  
T. 6 S., R. 3 E., W $\frac{1}{2}$  of secs. 6 and 7, sec. 18, W $\frac{1}{2}$  of secs. 19, 30 and 31;  
T. 7 S., R. 3 E., W $\frac{1}{2}$  sec. 6, sec. 7, N $\frac{1}{2}$  of secs. 8 to 11, inclusive, N $\frac{1}{2}$  and SE $\frac{1}{4}$  sec. 12, W $\frac{1}{2}$  of secs. 18, 19, 30 and 31;  
T. 8 S., R. 3 E., sec. 6, W $\frac{1}{2}$  of secs. 7, 18 and 19, NE $\frac{1}{4}$  and S $\frac{1}{2}$  sec. 25, S $\frac{1}{2}$  of secs. 26 to 29, inclusive, and sec. 30;  
T. 10 S., R. 3 E., N $\frac{1}{2}$  of secs. 1 and 2, sec. 3, N $\frac{1}{2}$  of secs. 4 and 5, N $\frac{1}{2}$  and SW $\frac{1}{4}$  sec. 6 and NW $\frac{1}{4}$  sec. 7;  
T. 1 S., R. 4 E., NW $\frac{1}{4}$  and S $\frac{1}{2}$  sec. 1, E $\frac{1}{2}$  of secs. 12, 13, 24 and 25;  
T. 2 S., R. 4 E., NE $\frac{1}{4}$  and S $\frac{1}{2}$  sec. 1, E $\frac{1}{2}$ E $\frac{1}{2}$  sec. 11, W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 12, NE $\frac{1}{4}$  and S $\frac{1}{2}$  sec. 14, W $\frac{1}{2}$  sec. 23, S $\frac{1}{2}$  sec. 25, NW $\frac{1}{4}$  and S $\frac{1}{2}$  sec. 26, SE $\frac{1}{4}$  sec. 27, E $\frac{1}{2}$  and SW $\frac{1}{4}$  sec. 34;  
T. 3 S., R. 4 E., W $\frac{1}{2}$  of secs. 3 and 10, sec. 15, W $\frac{1}{2}$  of secs. 22, 27 and 34;  
T. 4 S., R. 4 E., W $\frac{1}{2}$  of secs. 3, 10, 15, 22, 27 and 34;  
T. 5 S., R. 4 E., W $\frac{1}{2}$  sec. 3, S $\frac{1}{2}$  of secs. 7, 8 and 9, sec. 10, N $\frac{1}{2}$  of secs. 11 and 12;  
T. 7 S., R. 4 E., NW $\frac{1}{4}$  and S $\frac{1}{2}$  sec. 7, S $\frac{1}{2}$  of secs. 8 to 12, inclusive;  
T. 8 S., R. 4 E., W $\frac{1}{2}$  of secs. 30 and 31;  
T. 9 S., R. 4 E., N $\frac{1}{2}$  of secs. 1 and 2, sec. 3, NE $\frac{1}{4}$  and N $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 4, N $\frac{1}{2}$  sec. 5, N $\frac{1}{2}$  and SW $\frac{1}{4}$  sec. 6, NW $\frac{1}{4}$  and S $\frac{1}{2}$  sec. 7, W $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 17, E $\frac{1}{2}$ E $\frac{1}{2}$  sec. 18, sec. 19, W $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 20, W $\frac{1}{2}$  of secs. 30 and 31;  
T. 10 S., R. 4 E., NW $\frac{1}{4}$  sec. 6;  
T. 1 S., R. 5 E., S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 30 and W $\frac{1}{2}$  sec. 31;  
T. 2 S., R. 5 E., NW $\frac{1}{4}$  sec. 6, S $\frac{1}{2}$  of secs. 28 and 29, and sec. 30;  
T. 4 S., R. 5 E., S $\frac{1}{2}$  of secs. 25 to 29, inclusive, SE $\frac{1}{4}$  sec. 30, E $\frac{1}{2}$  sec. 31 and E $\frac{1}{2}$  sec. 35;  
T. 5 S., R. 5 E., E $\frac{1}{2}$  sec. 6 and N $\frac{1}{2}$  sec. 7;  
T. 7 S., R. 5 E., sec. 7 and S $\frac{1}{2}$  of secs. 8 to 11, inclusive;  
T. 8 S., R. 5 E., E $\frac{1}{2}$  sec. 33;  
T. 9 S., R. 5 E., N $\frac{1}{2}$  of secs. 4, 5 and 6;  
T. 3 S., R. 6 E., N $\frac{1}{2}$  and SW $\frac{1}{4}$  sec. 6, W $\frac{1}{2}$  of secs. 7, 18, 19, 30 and 31;  
T. 4 S., R. 6 E., sec. 6, W $\frac{1}{2}$  of secs. 7, 18 and 19, S $\frac{1}{2}$  of secs. 25 to 29, inclusive, W $\frac{1}{2}$  and SE $\frac{1}{4}$  sec. 30 and E $\frac{1}{2}$  sec. 33;  
T. 4 S., R. 7 E., W $\frac{1}{2}$  of secs. 30 and 31;  
T. 5 S., R. 7 E., W $\frac{1}{2}$  sec. 6, sec. 7, S $\frac{1}{2}$  of secs. 8 and 9, S $\frac{1}{2}$ S $\frac{1}{2}$  sec. 10, SW $\frac{1}{4}$  sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$  and SE $\frac{1}{4}$  sec. 14, N $\frac{1}{2}$ N $\frac{1}{2}$  sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 23 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$  and SE $\frac{1}{4}$  sec. 24;  
T. 4 S., R. 8 E., N $\frac{1}{2}$  of secs. 9 to 12, inclusive;  
T. 5 S., R. 8 E., S $\frac{1}{2}$  sec. 19, N $\frac{1}{2}$  and SE $\frac{1}{4}$  sec. 30 and E $\frac{1}{2}$  sec. 31;  
T. 6 S., R. 8 E., sec. 1, N $\frac{1}{2}$  of secs. 2 to 5, inclusive, and NE $\frac{1}{4}$  sec. 6;  
T. 4 S., R. 9 E., N $\frac{1}{2}$  of secs. 7 to 11, inclusive, and sec. 12;  
T. 4 S., R. 10 E., N $\frac{1}{2}$  sec. 7, N $\frac{1}{2}$  and SE $\frac{1}{4}$  sec. 8, E $\frac{1}{2}$  of secs. 17 and 20, S $\frac{1}{2}$  of secs. 21, 22 and 23 and sec. 24;  
T. 17 S., R. 10 E., sec. 33;  
T. 4 S., R. 11 E., S $\frac{1}{2}$  of secs. 19 and 20, NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 21, N $\frac{1}{2}$  sec. 22 and N $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 23;

aggregating approximately 77,782 acres.

T. A. WALTERS,  
First Assistant Secretary.

[F. R. Doc. 37-1401; Filed, May 15, 1937; 9:41 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

[Amendment 13 to B. A. I. Order 350]

### REGULATIONS GOVERNING THE RECOGNITION OF BREEDS AND PUREBRED ANIMALS

#### AMENDING REGULATION 2, SECTION 3, PARAGRAPH 1, RECOGNIZING BREEDS AND BOOKS OF RECORD ACROSS THE SEAS

[Effective on and after May 15, 1937.]

Regulation 2, section 3, paragraph 1, of the regulations governing the recognition of breeds and purebred animals, effective under date of July 1, 1935, and identified as B. A. I. Order 350, is hereby amended so as to include and recognize for the purposes enumerated thereunder the following breeds and book of record:

### Dogs

Name of breed	Book of record	By whom published
Schnauzers and Pinschers.	Züchtbuch der Fachschaft für Schnauzer und Pinscher	Fachschaft für Schnauzer und Pinscher, Josef Best, Breeding Warden, Wehrheim im Taunus, Germany.

Done at Washington this 14th day of May, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-1404; Filed, May 15, 1937; 10:58 a. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

#### REGULATIONS TO PROMOTE SAFETY OF LIFE DURING THE INTER-COLLEGIATE REGATTA AT Poughkeepsie, New York, on June 22, 1937

The following regulations are hereby prescribed under authority of the Act of April 28, 1908 (35 Stat. 69):

On the day of the regatta all visiting yachts and excursion boats will be given positions to the eastward of the established easterly line of the course in the order of arrival and application. Small yachts and boats will be given positions in front of the larger craft. No vessels will be allowed to anchor to the westward of the course or within 100 yards up stream or down stream from the finish line on either side of course.

All visiting vessels must be anchored in their assigned positions one hour before the start of the first race, and thereafter until the finish of the last race of the day no vessel will be allowed on the course excepting the steward's boat, the launches of the competing crews, and other official boats.

No vessel shall pass up or down the river during the progress of the races. A succession of sharp, short whistles from the United States vessel patrolling the course shall serve as a signal for vessels to stop. Pilots of vessels shall stop when directed to do so by the United States officer in charge.

No vessel will be allowed to make fast to the judges' boat at the finish line, excepting boats carrying telephone or telegraph cables and the steward's dispatch boat.

Prior to the alignment of the crews on the starting line, all vessels entitled to follow excepting the steward's boat shall take their places to the eastward of the course and shall not be permitted to run ahead of the steward's boat or any crew continuing in the race.

No vessel or boat of any description shall pass over the course until fifteen minutes after the conclusion of the last race, and then with due regard for the safety of competing crews returning to their training quarters over the course.

The above regulations will be enforced subject to the discretion of the United States officer in charge.

[SEAL]

DANIEL C. ROPER,  
Secretary of Commerce.

[F. R. Doc. 37-1428; Filed, May 17, 1937; 12:47 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### AMENDMENT TO BANK RULES AND REGULATIONS

#### EX-OFFICIO MEMBERS OF ANY STANDING COMMITTEE OF THE BOARD

Be it resolved, That pursuant to authority vested in the Federal Home Loan Bank Board by Sections 12 and 17 of the Federal Home Loan Bank Act (12 U. S. C. 1432, 1437), the last sentence of Section 1 of Article V or Exhibit D of the Rules and Regulations for Federal Home Loan Banks is hereby amended to read as follows:

When, so designated by resolution of the Board and under such directions as may be stated therein, the president or a

vice-president, or other officers, who are not members of the Board, may act as ex-officio members of any standing committee of the Board, except the executive committee or other committee exercising powers of the Board in the management and direction of the affairs of the bank; provided that the presence of only one such ex-officio member may be counted in determining the requirement of a quorum, and provided further that if the president is a member of the Board, he shall be an ex-officio member of every standing committee of the Board.

Adopted by the Federal Home Loan Bank Board on May 14, 1937.

[SEAL] R. L. NAGLE, *Secretary*.

[F. R. Doc. 37-1416; Filed, May 17, 1937; 12:31 p. m.]

#### FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman, Clyde L. Seavey, Vice Chairman, Herbert J. Drane, Claude L. Draper, Basil Manly.

[IT-5468]

#### APPLICATION OF CHELAN ELECTRIC COMPANY AND THE WASHINGTON WATER POWER COMPANY

##### NOTICE OF HEARING

Upon application filed by Chelan Electric Company and The Washington Water Power Company for approval of the sale and disposition of the whole of the facilities of the former company to the latter company and for approval of the transfer from Chelan Electric Company to The Washington Water Power Company of licenses issued by the Commission for projects Nos. 204, 621, and 637;

It is ordered:

That a hearing on said application be held in the Commission's hearing room in the Hurley-Wright Building, Washington, D. C., beginning at 10 a. m., on the 3rd day of June, 1937.

Adopted by the Commission on May 13, 1937.

[SEAL] LEON M. FUQUAY,  
*Acting Secretary*.

[F. R. Doc. 37-1402; Filed, May 15, 1937; 9:41 a. m.]

#### FEDERAL TRADE COMMISSION.

##### United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of May, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3033]

#### IN THE MATTER OF BABIGLO COMPANY, INC.

##### ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, May 19, 1937, at nine o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immedi-

ately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-1398; Filed, May 14, 1937; 1:47 p. m.]

#### INTERSTATE COMMERCE COMMISSION.

##### ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 8th day of April, A. D. 1937.

[Ex Parte No. MC 9]

##### IN THE MATTER OF THE FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

Whereas the Commission, by Division 5, by its Order of January 19, 1937, as amended by its orders of January 28, 1937, and February 8, 1937, requires certain classes or groups of line-haul or over-the-road contract carriers by motor vehicle subject to the provisions of the Motor Carrier Act, 1935, as specified therein, to file with the Commission, publish, and keep open for public inspection on or before April 15, 1937, copies of each and every contract existing and in force on said date containing the charges of such contract carriers for the transportation of property in interstate or foreign commerce and any rule, regulation or practice affecting such charges and the value of the service thereunder:

And it appearing, That the matter has been referred to the entire Commission for consideration and that such consideration cannot be completed prior to the effective date of the Order of January 19, 1937, as amended, and for that reason the effective date of said order of January 19, 1937, as amended, should be further postponed;

It is ordered, That the time for compliance with the said order of January 19, 1937, as amended by the orders of January 28, 1937, and February 8, 1937, be, and it is hereby, extended from April 15, 1937, to June 15, 1937, and that said order of January 19, 1937, in every other respect shall remain in full force and effect.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 37-1405; Filed, May 15, 1937; 11:11 a. m.]

##### ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of April, A. D. 1937.

[No. MC C-1]

#### ST. LOUIS, MO.—EAST ST. LOUIS, ILL., COMMERCIAL ZONE

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof:

It is ordered, That for the purpose of administration and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of St. Louis, Mo., East St. Louis, Ill., and contiguous communities, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from the regulation under section 203 (b) (8) of the Act, be, and it is hereby, defined to include the area within the corporate limits of St. Louis, University City, Clayton, Richmond Heights, Brentwood, Maplewood, Webster Groves, and Shrewsbury, Mo.; that part of St. Louis County, Mo., north



of University City, Mo., west of St. Louis, Mo., and east and south of a line extending northward from the corporate limits of University City along Hanley Road to Page Avenue, thence southeastward along Page Avenue to St. Charles Rock Road, thence southeastward along St. Charles Rock Road to Lucas and Hunt Road, thence northeastward along Lucas and Hunt Road to Hord Avenue, thence northeastward and southeastward along Hord Avenue to Jennings Station Road, thence northeastward along Jennings Station Road to Ferry Road, thence southeastward along Ferry Road to the corporate limits of St. Louis; that part of St. Louis County, Mo., south of Webster Groves and Shrewsbury, Mo., south and west of St. Louis, Mo., west of the Mississippi River, and east and north of a line extending southeastward from the corporate limits of Webster Groves along Grant Road to Gravois Road, thence southwestward along Gravois Road to Musick Avenue, thence southeastward along Musick Avenue to Green Park Road, thence southeastward and eastward along Green Park Road to Lemay Ferry Road, thence southwestward along Lemay Ferry Road to Jefferson Barracks Road, thence southeastward along Jefferson Barracks Road to the limits of Jefferson Barracks, Mo., thence northeastward and eastward along the limits of Jefferson Barracks to the Mississippi River; and the area within the corporate limits of East St. Louis, Nameoki, Granite City, Madison, Venice, Brooklyn, National City, Fairmont City, Washington Park, and Monsanto, Ill.

*It is further ordered*, That the exemption in section 203 (b) (8), to the extent it affects transportation by motor vehicle between Belleville, Ill., on the one hand, and points in the above-described zone, on the other, be, and it is hereby, removed and that said transportation be, and it is hereby, subjected to all of the provisions of the motor Carrier Act, 1935.

*And it is further ordered*, That this order shall become effective 30 days from the date hereof and shall continue in effect until further order of the Commission.

By the Commission, division 5.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 37-1406; Filed, May 15, 1937; 11:11 a. m.]

#### ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 4th day of May, A. D. 1937.

[No. MC C-1]

#### ST. LOUIS, MO., COMMERCIAL ZONE

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor;

*It is ordered*, That the effective date of the order of April 5, 1937, which prescribed the boundaries of the area to be considered as the zone adjacent to and commercially a part of St. Louis, Mo., and contiguous municipalities be, and it is hereby, postponed to June 5, 1937.

By the Commission, division 5.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 37-1407; Filed, May 15, 1937; 11:12 a. m.]

#### ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of April, A. D. 1937.

[No. MC C-2]

#### NEW YORK, N. Y., COMMERCIAL ZONE

Investigation of the matters and things involved having been made, and said division, on the date hereof, having made and filed a report herein containing its findings of

fact and conclusions thereon, which report is hereby made a part hereof:<sup>1</sup>

*It is ordered*, That for the purpose of administration and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of New York, N. Y., and contiguous municipalities in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the Act from regulation be, and it is hereby, defined to include the following territory:

The area within the corporate limits of the cities of New York, Yonkers, Mount Vernon, North Pelham, Pelham, Pelham Manor, Great Neck Estates, Floral Park, and Valley Stream, N. Y., and Englewood, N. J.; the area within the borough limits of Alpine, Tenafly, Englewood Cliffs, Leonia, Fort Lee, Edgewater, Cliffside Park, Fairview, Palisades Park, and Ridgefield Boroughs, Bergen County, N. J.; and that part of Hudson County, N. J., east of Newark Bay and the Hackensack River.

*It is further ordered*, That the exemption in section 203 (b) (8), to the extent it affects transportation by motor vehicle between Elizabeth, Linden, and Perth Amboy, New Jersey, and that part of New Jersey east of U. S. Highway 9 extending southward from the city limits of Linden to the city limits of Perth Amboy, on the one hand, and points in the above-described zone, on the other, be, and it is hereby, removed and that said transportation be, and it is hereby, subjected to all of the provisions of the Motor Carrier Act, 1935.

*And it is further ordered*, That this order shall become effective 30 days from the date hereof and shall continue in effect until further order of the Commission.

By the Commission, division 5.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 37-1408; Filed, May 15, 1937; 11:12 a. m.]

#### ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 22nd day of April, A. D. 1937.

[No. MC C-2]

#### NEW YORK, N. Y., COMMERCIAL ZONE

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor;

*It is ordered*, That the effective date of the order of April 5, 1937, which prescribes the boundaries of the area to be considered as the zone adjacent to and commercially a part of New York, N. Y., and contiguous municipalities be, and it is hereby, postponed to June 5, 1937.

By the Commission, division 5.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 37-1409; Filed, May 15, 1937; 11:13 a. m.]

#### ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 5th day of April, A. D. 1937.

[No. MC C-3]

#### CHICAGO, ILL., COMMERCIAL ZONE

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a report herein con-

<sup>1</sup> Reports filed with Division of the Federal Register, The National Archives; copies available upon application to Interstate Commerce Commission.

taining its findings of fact and conclusions thereon, which report is hereby made a part hereof:<sup>1</sup>

*It is ordered,* That for the purpose of administration, and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of Chicago, Ill., and contiguous municipalities, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the Act from regulation, be, and it is hereby, defined to include the area within the corporate limits of Chicago, Evanston, Oak Park, Cicero, Berwyn, River Forest, Spring Forest, Worth, Homewood, and Lansing, Ill.; the area within the township limits of Niles, Maine, Leyden, Norwood Park, Proviso, Lyons, Riverside, Stickney, Worth, Calumet, Bremen, and Thornton Townships, Cook County, Ill.; and the area within the corporate limits of Hammond, Whiting, East Chicago, and Gary, Ind.

*And it is further ordered,* That this order shall become effective 30 days from the date hereof and shall continue in effect until the further order of the Commission.

By the Commission, division 5.

[SEAL]

W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1410; Filed, May 15, 1937; 11:13 a. m.]

#### ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of April, A. D. 1937.

[No. MC C-3]

CHICAGO, ILL., COMMERCIAL ZONE

Upon consideration of the record in the above-entitled proceeding and good cause appearing therefor;

*It is ordered,* That the effective date of the order of April 5, 1937, which prescribes the boundaries of the area to be considered as the zone adjacent to and commercially a part of Chicago, Ill., and contiguous municipalities be, and it is hereby, postponed to June 5, 1937.

By the Commission, division 5.

[SEAL]

W. P. BARTEL, *Secretary.*

[F. R. Doc. 37-1411; Filed, May 15, 1937; 11:13 a. m.]

#### RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 97]

ALLOCATION OF FUNDS FOR LOANS

MAY 14, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
Kentucky 18 Meade.....	\$135,000
Kentucky 20 McCracken.....	140,000
Kentucky 31 Union (Partial).....	100,000
South Dakota 7 Lincoln.....	208,000

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1403; Filed, May 15, 1937; 9:42 a. m.]

[Administrative Order No. 98]

ALLOCATION OF FUNDS FOR LOANS

MAY 15, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby

<sup>1</sup> Report filed with Division of the Federal Register, The National Archives; copies available upon application to Interstate Commerce Commission.

allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 15 Woodruff (Partial).....	\$100,000

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 37-1413; Filed, May 17, 1937; 9:36 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

UNDERTAKING TO FILE PERIODIC REPORTS

*Amendments to Forms C-1, C-2, D-1, D-1A, E-1, F-1, G-1, and G-2*

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and the Securities Exchange Act of 1934, as amended, particularly Sections 15 (d) and 23 (a) thereof, and deeming that such information or documents as Forms C-1, C-2, D-1, D-1A, E-1, F-1, G-1, and G-2, as hereby amended, require to be set forth, but which are not specified in Schedule A of the Securities Act of 1933, are necessary and appropriate in the public interest and for the protection of investors, and that the adoption of these amendments is necessary to carry out the provisions of said Acts, hereby amends Forms C-1, C-2, D-1, D-1A, E-1, F-1, G-1, and G-2 as follows:

I. Immediately preceding the heading relating to signatures in Forms C-1, C-2, D-1 (both Part I and Part II), D-1A, E-1, F-1, G-1, and G-2, there is inserted the following:

#### UNDERTAKING TO FILE PERIODIC REPORTS

Pursuant to Section 15 (d) of the Securities Exchange Act of 1934, the undersigned registrant hereby undertakes to file with the Securities and Exchange Commission such supplementary and periodic information, documents, and reports as may be prescribed by any rule or regulation of the Commission heretofore or hereafter duly adopted pursuant to authority conferred in said Section 15 (d); provided, however, that this undertaking shall become operative only upon the conditions specified in said Section 15 (d), and provided, further, that the duty to file pursuant to this undertaking shall be automatically suspended upon the conditions and for the periods specified in clauses (1), (2), and (3) of said Section 15 (d):<sup>1</sup>

II. At the bottom of the page in each Form on which the above paragraph ends, there is added the following footnote:

<sup>1</sup> Reference is made to Rule 730 which provides that the undertaking required by Section 15 (d) of the Securities Exchange Act of 1934 may be in this form. Any other form of undertaking which fully complies with said Section 15 (d) may be used.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1427; Filed, May 17, 1937; 12:38 p. m.]

#### SECURITIES EXCHANGE ACT OF 1934

FIRST ANNUAL OR INTERIM REPORT

*Amendment of Rule KA4*

The Securities and Exchange Commission deeming—

(a) that Rule KA4 as hereby amended is necessary and appropriate for the proper protection of investors and to insure fair dealings in securities registered on national securities exchanges; and

(b) that the information required by Rule KA4 as hereby amended is required by the Commission to keep reasonably current the information and documents filed pursuant to Section 12 of the Securities Exchange Act of 1934,

pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 13 and 23 (a) thereof, and deeming such action necessary for the execution of the functions vested in it by the Act, hereby amends Paragraph (b) of Rule KA4 to read as follows:

(b) The first annual or interim report, other than a report required by Paragraph (a) of this Rule, filed pursuant to Rule KA1 or KA5 by a registrant having securities registered on Form 8-S, shall include information regarding the single predecessor or group of predecessors for the period from the most recent fiscal closing date prior to the registrant's succession to the date of such succession, as if such predecessor or group of predecessors were the registrant. The financial statements and schedules filed shall give effect to the operations of, and transactions by, the predecessor or group of predecessors during the period from the most recent fiscal closing date prior to the date of the registrant's succession to the date of such succession, as if such predecessor or group of predecessors were the registrant. A statement that effect has been given to such operations and transactions shall be made in a footnote or otherwise. No separate financial statements or schedules for the predecessor or predecessors need be filed.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1426; Filed, May 17, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of May, A. D. 1937.

[File No. 42-1]

IN THE MATTER OF MIDDLE WEST SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Middle West Service Company, a subsidiary service company of The Middle West Corporation, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the issue and delivery by applicant of a 4% Demand Note, in the principal amount of \$75,000 and to be dated April 30, 1937, to The Middle West Corporation in substitution for and renewal or extension of applicant's note of like amount due April 30, 1937 held by The Middle West Corporation.

It is ordered that a hearing on such matter be held on June 4, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 29, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1417; Filed, May 17, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1937.

[File No. 43-42]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION  
SUPPLEMENTAL NOTICE OF AND ORDER FOR HEARING

An amended declaration having been duly filed with this Commission, by National Gas & Electric Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, with respect to the issue and sale of \$400,000 First Lien Collateral Trust Bonds, 16-year, 5% Series B, due April 1, 1953, of 35,000 shares of No Par Common Stock; and with respect to the reclassification of all its presently outstanding Common Stock (being 275,328.27 shares) represented by Voting Trust Certificates, from a par value of \$10 a share to no par, together with an increase in the authorized number of shares of No Par Common Stock increased from 425,000 to 450,000 shares and with the abrogation of the preemptive right of existing stockholders to subscribe to any shares of the capital stock of the declarant; said declaration further stating that said securities are to be issued and sold in connection with the acquisition of securities and other interests in business, approved by the Commission, on March 19, 1937.

It is ordered that a hearing on such matter be held on May 28, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 24, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1425; Filed, May 17, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of May, 1937.

IN THE MATTER OF MCKEESPORT TIN PLATE CORPORATION,  
COMMON STOCK \$10 PAR VALUE

ORDER DENYING UNLISTED TRADING PRIVILEGES PURSUANT TO SECTION 12 (F) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, AND RULE JF2 (B)

The Philadelphia Stock Exchange having made application for unlisted trading privileges in McKeesport Tin Plate Corporation Common Stock \$10 Par Value, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and

It appearing to the Commission that, within the meaning of Rule JF2 (b), said security is not substantially equivalent to the McKeesport Tin Plate Company Capital Stock No Par Value, a security admitted to unlisted trading privileges on said exchange.

It is ordered that said application for unlisted trading privileges in McKeesport Tin Plate Corporation Common Stock \$10 Par Value be and the same is hereby denied.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1424; Filed, May 17, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of May, A. D. 1937.

[File No. 43-38]

IN THE MATTER OF NEPSCO APPLIANCE FINANCE CORPORATION  
[Public Utility Act of 1935]

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE  
PURSUANT TO SECTION 7

Nepsco Appliance Finance Corporation, an approved mutual service company, having filed a declaration with the Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale, from time to time,

(1) of its 3% Deferred Debentures of December 1, 1936, due December 1, 1956, in amounts which will not at any one time exceed \$350,000 aggregate principal amount outstanding, and

(2) of its promissory notes in amounts which, including such notes presently outstanding, will not at any one time exceed \$1,000,000 principal amount outstanding;

notice and opportunity for hearing on said declaration having been given; said declaration having been amended; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said declaration be and become effective forthwith, on condition, however,

(1) that the aforesaid debentures shall be issued and sold, or resold, only to companies in the holding company system of which the declarant is a member;

(2) that the declarant shall not issue and sell any of the aforesaid promissory notes which shall have a maturity date later than December 31, 1938; and

(3) that the issue and sale of the aforesaid notes and debentures shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration, as amended, in so far as such terms, conditions and purposes are compatible with the foregoing conditions.

By the Commission:

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1423; Filed, May 17, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of May, A. D. 1937.

[File No. 43-39]

IN THE MATTER OF NEPSCO SERVICES, INC.

[Public Utility Act of 1935]

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE  
PURSUANT TO SECTION 7

Nepsco Services, Inc., an approved subsidiary service company, having filed a declaration with the Commission, pur-

suant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of \$50,000 aggregate principal amount of its 5% Debentures of August 1, 1936, due August 1, 1956, at not less than the face value thereof plus accrued interest, and of 495 shares of its common stock, having a par value of \$10 per share, at not less than par; notice and opportunity for hearing on said declaration having been given; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered that said declaration be and become effective forthwith, on condition, however, that the issue and sale of the aforesaid securities shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration, and upon the further condition that none of the aforesaid debentures shall be resold by any company acquiring such debentures except to companies in the holding company system of which the declarant is a member.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1418; Filed, May 17, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST  
IN THE MAGNOLIA-CLYDE HARRIS FARM, FILED ON APRIL 24,  
1937, BY W. H. CARRAHER, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon on the 14th day of May, 1937, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 11:30 o'clock in the forenoon on the 28th day of May, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1420; Filed, May 17, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST  
IN THE BLACKSTOCK-TEXAS PACIFIC-TEGMEYER FARM, FILED  
ON APRIL 16, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 13, 1937, be effective as of May 13, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore

entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1419; Filed, May 17, 1937; 12:35 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of May, A. D., 1937.

[File No. 20-460A1-1]

IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LANDOWNER'S ROYALTY INTERESTS IN THE LOUAL-CARTER-CRADDOCK FARM, FILED ON JULY 27, 1936, BY FREDRICK FALKIN & COMPANY, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of producing landowner's royalty interests in the "Loual-Carter-Craddock Farm", located in Pontotoc County, Oklahoma, which offering sheet was filed with the Commission on July 27, 1936, by Fredrick Falkin & Company of Los Angeles, California, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on August 31, 1936, November 30, 1936 and December 7, 1936, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and documentary evidence having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete, inaccurate and misleading in material respects and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the *Findings and Opinion of the Commission* filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1421; Filed, May 17, 1937; 12:36 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of May, A. D., 1937.

[File No. 20-509A1-1]

IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING OVERRIDING ROYALTY INTERESTS IN THE THOMASSON-DURHAM ET AL. COMMUNITY FARM, FILED ON DECEMBER 23, 1936, BY E. M. THOMASSON PRODUCING COMPANY, RESPONDENT

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commis-

sion under the Securities Act of 1933, as amended, to determine whether or not an order should be entered suspending the effectiveness of the filing of an offering sheet of non-producing overriding royalty interests in the "Thomasson-Durham et al.—Community Farm", located in Crane County, Texas, which offering sheet was filed with the Commission on December 23, 1936, by E. M. Thomasson Producing Company, of Denver, Colorado, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on January 28, 1937, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and oral and documentary evidence having been introduced, and the hearing having been closed, and the Commission having found upon the evidence that said offering sheet is incomplete and inaccurate in material respects, and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and regulations of the Commission, all as set forth in the *Findings and Opinion of the Commission* filed in this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing and of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1422; Filed, May 17, 1937; 12:36 p. m.]

VETERANS' ADMINISTRATION.

REGULATIONS AND PROCEDURE

ADDITION OF PARAGRAPHS 80, 82, 84 AND 86

*Delegations of Authority*<sup>1</sup>

80. *Delegations of authority to Veterans' Administration personnel.*—(A) Employees who are assigned duties which may be determined as necessitating delegated authority will be given such authority in writing through the medium of appropriate numerical series of authorization orders before being permitted to perform such duties. Any employee receiving delegated power to act, will be without authority to have any other person perform any of the duties under his delegation of authority or to sign for him, any paper covered under such authority. The Administrator will sign all delegations of authority to individuals, which, under the provisions of the Acts governing the Veterans' Administration, require that specific legal authority to perform such duties be directly delegated by the Administrator. The Administrator will also sign such other authorities as he may determine necessary. All delegations of authority, not requiring direct authority from the Administrator, will be signed either by the solicitor or by the assistant administrator concerned.

(B) When it is necessary to amend the authority already delegated to an employee, the amendment will be made by the issuance of a new authorization order which will be prepared to contain a statement of the complete authority delegated to him and will cancel the old order so that no employee will have more than one authorization order of the same series in effect at any one time. Upon receipt of the new order, the employee will immediately return his old order for cancellation. Each employee will have available a copy of his delegated authority and a copy will be placed in his personnel file.

(C) When an employee to whom an authorization order has been issued leaves the service, is transferred from one

<sup>1</sup> Authority of Pub. No. 2, 73d Cong., and Title III, Pub. No. 844, 74th Cong.



station to another, or his duties are modified so as to make unnecessary the authority, his delegated authority is thereupon terminated and his authorization order will be returned for cancellation. Termination of delegated authority will be through the medium of an appropriate cancellation order in the same series and will bear the same number as the original authorization order with the added letter "A". The Administrator will sign all cancellation orders of the Administrator's authorization order series. All other series of cancellation orders will be signed by the solicitor or assistant administrator for the employees under their charge. Each office or service will maintain a complete set of copies of the active authorization orders and cancellation orders issued to employees under its charge.

(D) All authorization and cancellation orders referred to in R. & P. 80 to 86 inclusive, after being signed, will be sent to the regulations and procedure division for photostating, appropriate distribution in central office, and the maintenance of the file of original orders. The director of finance will forward copies to other Government agencies when necessary.

(E) Any employee, who is performing duties under a delegation of authority which may have been issued by memorandum, letter, or otherwise, but which should be and is not a part of any of the numerical authorization order series, will be reissued a delegation of authority covering such duties under the proper authorization order series. On and after June 30, 1937, all delegations of authority of the kind referred to herein, issued to employees of central office at any time, which are not within one of the numerical series of authorization orders, will be null and void. (May 15, 1937.)

**82. Delegations of authority to central office personnel.—**

(A) All delegations of authority to employees of central office will be made a part of an authorization order series either of the Administrator, the solicitor, any assistant administrator, or of one of the several services, as may be applicable. All orders in the various series will be prepared naming the employee, the title of his position and his organizational assignment, and specifying exactly the authority thereby delegated to him, and will be signed in the manner specified herein. Authorization orders will be issued in numerical sequence within the series applicable to the organizational assignment of the employee and in the manner specified herein. Once a delegation of authority has been issued to an employee, it will remain in effect only so long as the employee's duties require performance under the authority, or until it is superseded by an amended order or is canceled.

(B) The Authorization Order Series of the Administrator. Delegations of authority in the "Administrator's Authorization Order" series will be issued to the assistant administrators; to the solicitor; to the chairman, board of veterans appeals; to the executive assistant to the administrator; to the employees under the chairman, board of veterans appeals; to the employees under the executive assistant; and to such other employees as may be especially determined. All such authorization orders and cancellation orders will be signed by the Administrator. For employees under the chairman, board of veterans appeals, or under the executive assistant, the orders will be signed as being recommended by the officer concerned before submission to the Administrator for approval and signature.

(C) The Authorization Order Series of the Solicitor, of the Assistant Administrators, and of the Services. Delegations of authority in these series will be issued to employees under the solicitor, the assistant administrator concerned, or the service concerned, as applicable. If it is necessary that the authority be delegated to any of these employees by the Administrator as provided in R. & P. 80 (A), the order will be signed as being recommended by the solicitor or by the assistant administrator concerned before submission to the Administrator for approval and signature. If it is not necessary that the authority be delegated by the

Administrator, the order will be signed by the solicitor for his employees and for employees in a service by the director of such service as being recommended by him before submission to the assistant administrator for approval and signature. All cancellation orders in the respective series will be signed by the solicitor or by the assistant administrator upon recommendation of the director of service for their respective series. (May 15, 1937.)

**84. Delegation of authority to employees to issue subpoenas, etc.—**(A) Managers of regional offices and facilities having regional office activities, and such other employees to whom such authority is delegated by the Administrator, shall have the power to issue subpoenas for (by countersigning Form 4003 revised), and compel the attendance of witnesses within a radius of 100 miles from the place of hearing and to require the production of books, papers, documents and other evidence.

(B) Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the District Courts of the United States. In case of disobedience to any such subpoena, the aid of any District Court of the United States or the District Court of the United States in and for the District of Columbia may be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which the inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(C) Recommendations for the delegation of authority to an employee to issue subpoenas shall be made to the Administrator and such authority will be granted through "Administrator's Authorization Orders".

(D) Discretion will be used in the exercise of this power which will not be used except when necessary or when the evidence can not be obtained efficiently in any other way. (May 15, 1937.)

**86. Delegation of authority to employees in central office and the field to make findings of fact, etc.—**

(A) Employees in the field by virtue of the authority delegated to them by the Administrator will have the power to make findings of fact, determinations of existing law, Veterans Administration regulations and precedents established thereunder as applicable to pension and compensation cases, and to make decisions as to the rights of claimants to benefits and awards under the laws relating to the Veterans Administration.

(B) Recommendations for the delegation of authority to a field employee to make such findings of fact, etc., will be made through the manager to the assistant administrator, compensation and pensions, who will cause to be prepared an appropriate authorization order with recommendation thereon, over his signature for approval by the Administrator. This delegated authority will be made through the medium of a numerical series of orders known as "Pension Field Authorization Orders." When an employee is relieved of the duties requiring the delegated authority, the manager will immediately return his authorization order to the assistant administrator, compensation and pensions. The assistant administrator thereupon will issue a cancellation order over his own signature, sending the original copy to the regulations and procedure division for photostating and distribution in central office.

(C) Delegations of authority to employees in central office to make findings of fact, etc., will be in accordance with R. & P. 82 (A) and (C). (May 15, 1937.)

[SEAL]

FRANK T. HINES,  
Administrator of Veterans' Affairs.

[F. R. Doc. 37-1412; Filed, May 15, 1937; 11:50 a. m.]